



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 26, 2006

IV.10

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-06-27
258 AND 260 SANTA ISABEL AVENUE

DATE: JUNE 15, 2006

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

DESCRIPTION

The applicant is requesting approval of a variance from building height to legalize two single-family residences (currently under construction) that exceed the maximum building height allowed under code.

APPLICANT

The applicant is Farhad Edward Khosravi, who is also the developer and owner of the properties.

RECOMMENDATION

Approve by adoption of the attached resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 258 and 260 Santa Isabel Ave. Application: PA-06-27

Request: Variance from building height for two residential units under construction

SUBJECT PROPERTY:

Zone: R1
 General Plan: Low Density Residential
 Lot Dimensions: 69.5 FT x 93 FT (Each Lot)
 Lot Area: 6,463 SF (Each Lot)
 Existing Development: Two 2-story residences (under construction)

SURROUNDING PROPERTY:

North: Surrounding properties are zoned R1 (Single-Family Residential) and contain residential structures.
 South:
 East:
 West:

DEVELOPMENT STANDARD COMPARISON

Development Standard Required/Allowed Proposed/Provided

Lot Size:		
Lot Width	50 FT	69 FT, 6 IN
Lot Area	6,000 SF	6,463 SF
Density:		
Zone	1 du/6,000 SF	1du/6,463 SF
General Plan	1 du/5,445 SF	1du/6,463 SF
Building Coverage (Both Lots):		
Buildings	NA	5,332 SF (41%)
Paving	NA	1,430 SF (11%)
Open Space	5,170 SF (40%)	6,164 SF (48%)
TOTAL		12,926 SF (100%)
Building Height		
Building Height	2 Stories 27 FT	2 Stories 29 FT, 6 IN (1)
Chimney Height	29 Feet	27 Feet
First Floor Area (Including Garage)	NA	2,666 SF
Second Floor Area	NA	1,505 SF
2nd Floor% of 1st Floor*	80%	56%
Setbacks:		
Front	20 FT	112 FT
Side (left/right)	5 FT/5 FT	5 FT/5 FT
Rear	10 FT (1 Story) 20 FT (2 Story)	10 FT (2)
Rear Yard Coverage	25% (347 SF)	25% (347 SF)
Parking:		
Covered	4	4
Open	4	4
TOTAL	8 Spaces	8 Spaces
Vehicle Backout Area	25 FT	25 FT
Driveway Width:	20 FT	20 FT

NA = Not Applicable or No Requirement

(1) Does not comply with Code; variance requested.

(2) Revisions increasing 1st floor building height previously approved by Planning Commission.

CEQA Status Exempt, Class 1

Final Action Planning Commission

BACKGROUND

On October 14, 2002, Planning Commission approved a design review to demolish 5 one-story residences on the property and construct 4, two-story, single-family residences. On March 10, 2003, Planning Commission approved Parcel Map PM-03-101 to subdivide the property into four lots to accommodate the development. The units are under construction.

ANALYSIS

During construction, the developer modified the roof framing of the two rear units (addressed as 258 and 260 Santa Isabel Avenue), which resulted in an increase in building height from 27 feet (the maximum building height allowed under the Zoning Code) to 29 feet, 6 inches; a difference of 2.5 feet. The developer is requesting approval of a variance to legalize the increased roof height for the rear units. The roof height for the front units (256 and 264 Santa Isabel Avenue) were not modified and comply with Code.

Code Section 13-29(g)(1) allows granting a variance where special circumstances applicable to the property exist, such as an unusual lot size, lot shape, topography, or similar features, and where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered.

In the project description/justification form provided by the applicant (a copy of which is attached to this report), the applicant states that denial of the variance would result in substantial financial hardship due to the expense of rebuilding the roof to comply with the Code and the originally approved plans.¹ While the code does not recognize financial hardship as a variance justification, staff notes that the two affected units are located at the rear of the subject property, behind the two 2-story units that are also being constructed, which should minimize the building mass impact from Santa Isabel Avenue. With regard to the impacts on the properties at the rear of the site, code requires a 20-foot rear setback for second story structures. The highest point of the roof peak, at 29 feet, 6 inches, is setback approximately 35 feet from the rear property line; therefore, the additional 15-foot setback from the rear property line to the roof peak should minimize any impacts².

Based on the above, it is staff's opinion that there is sufficient justification for approval of the variance.

¹The construction drawings reflected the 27-foot maximum height per Code and, according to the Building Safety Division the developer modified the roof height during construction without City approval.

² Planning Commission previously approved a modification to the first floor height on the rear elevations to accommodate a vaulted ceiling.

GENERAL PLAN CONFORMITY

The property has a general plan designation of Low Density Residential. Under the general plan designation, one unit for each lot is allowed and one unit for each lot is proposed. As a result, the use and density conforms to the City's General Plan.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the variance with the appropriate findings as recommended by staff; or
2. Deny the variance. If the variance is denied, the developer would be required to redesign and reconstruct the roof framing to comply with the 27-foot maximum height required by Code.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

It is staff's opinion that the additional 2.5 feet of roof height will not adversely impact surrounding properties. Therefore, staff recommends approval of the variance.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Zoning Map/Location Map
 Plans

cc: Deputy City Manager - Dev. Svs. Director
 Assistant City Attorney
 Assistant City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Farhad Edward Khosravi
264 Santa Isabel Avenue
Costa Mesa, CA 92627

File: 062606PA0627	Date: 060806	Time: 8:30 a.m.
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RESOLUTION NO. PC-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-06-27**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by was filed by Farhad E. Khosravi, owner of real property located at 258 and 260 Santa Isabel Avenue, requesting approval of a variance from building height to legalize two single-family residences (currently under construction) that exceed the maximum building height allowed under code; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 26, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** PA-06-27 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for PA-06-27 and upon applicant's compliance with each and all of the conditions of approval contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 26th day of June, 2006.

Bill Perkins, Chair
Costa Mesa Planning Commission

COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 26, 2006, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

**Secretary, Costa Mesa
Planning Commission**

EXHIBIT "A"

FINDINGS

- A. The project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The development is compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the buildings and other site features have been considered.
 - The development is consistent with the General Plan.
 - The cumulative effect of all planning applications have been considered.
- B. The information presented complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variance from building height. Specifically, the two affected units are located at the rear of the subject property, behind two 2-story units, which will minimize the visual impacts of the increased roof height of the rear units from the street. With regard to the impacts on the properties at the rear of the site, the highest point of the roof peak, at 29 feet, 6 inches, is setback approximately 15 feet further than the required 20-foot rear yard setback for second story structures as required by code, minimizing any impacts.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITION OF APPROVAL (If Project is Approved)

- Plng. 1. All applicable conditions of approval, code requirements, and special district requirements for PA-02-10 shall continue to be complied with.

Description / Justification:**1. Fully describe your request.**

We are requesting approval of a variance to increase the roof line height by 2.5 feet for a residence currently under construction from approved plans. The residence will remain two stories, but the roof line will be increased from the currently allowed requirement of 27 feet to 29.5 feet.

2. B) The property in question is a new single family residence being built by the owners of the property to occupy. The construction of this home should be considered a betterment of the neighborhood.

- The Owners hired an experienced and highly recommended framing contractor familiar with home building construction of this type. The framing contractor constructed the project from City approved plans and during the course of construction made some field changes to reflect building code requirements to improve the building's safety and quality. The framing has been completed.

-After the framing was completed, the roof plywood sheeting was installed and was inspected by the City on March 9, 2006. This too was approved by the inspector. Since these approvals, the following items of work have been constructed and completed:

- 1) The roofing subcontractor installed the 2 layers of #40 roofing material and completed the Torch down areas of the roof making the building water proof;
- 2) The shear walls have been constructed;
- 3) The roof tiles have been purchased and delivered to the construction site. The materials are ready to be loaded onto the roof; and, the roofing subcontractor is ready to proceed to complete its scope of work;
- 4) The HVAC unit and required ducting have been installed and completed including all roof penetration penetrations;
- 5) The Fire sprinkler system has already been completely installed;
- 6) All of the exterior windows have been installed;
- 7) The stucco scaffolding has been installed and the stucco contractor subcontractor is ready to wrap and water proof the walls;
- 8) All of the plumbing lines and bath tubs have been installed; and,
- 9) The central vacuum system lines have been installed.

The project has been stopped pending the decision of this request for variance. The stopping of the project has caused substantial financial hardship in terms of delay costs and disruption of the construction process. If this variance is not granted by the City, the financial consequences of undertaking to reduce the roof line to an already framed structure (by lowering it 2.5 feet) would be so costly that this undue impose an additional financial burden as to be unbearable for the owners and tantamount to an economic waste. Additionally, because of the scope of any alteration that would be required absent a variance, it would create a hardship necessarily involving many third parties including financial institutions, insurance companies, multiple subcontractors, designers, engineers and architects. This also impacts the neighborhood as construction will proceed longer than anticipated. The project exterior is nearly complete and therefore the continuation, including any demolition of exterior construction, would further impact the quiet enjoyment of the area when it otherwise would have been minimized or eliminated.

This variance will not change the character of the neighborhood or result in any special privilege inconsistent with other properties in the immediate vicinity which are also two story residences.

Attached: Contractor's letter

Engineer's letter

City of Costa Mesa Building Safety Division Card

TYCO CONSTRUCCION
18911 FAIRHAVEN, N.TUSTIN, CA

April 24, 2006

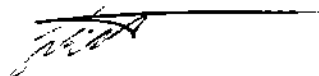
Farhad Edward Khosravi
264 Santa Isabel Ave.
Costa Mesa, Ca 92627

I reviewed your project located at 258-260 Santa Isabel Ave, Costa Mesa. To determine and evaluate the feasibility and cost of lowering the building heights by 2.5 feet.

I have conducted a through field review of the subject structure and in my professional contractor opinion having built over 40 custom homes, It would require substantial rework including lowering the entire structure to the first floor and reframing the structure.

This rework which includes demolition and reconstruction will take approximately three months to complete and in my opinion would be cost prohibitive.

Sincerely,



Tyrone Hurtado, Contractor

LIC# 813009


FYP ENGINEERING

58 Feather Ridge
Mission Viejo, Ca 92692

April 20, 2006

Ed Khosravi
264 Santa Isabel Ave.
Costa Mesa, CA 92627

In my professional engineering opinion, the current project meets all building and safety code requirements. However if the City required the home owner to reduce the building height by 2.5 feet, a new set of structural plans and calculations will have to be performed. Since there will be a new loading conditions that will require new structural supports to be designed.

A handwritten signature in black ink, appearing to read "Fred Yazdan". The signature is fluid and cursive, with the first name "Fred" and last name "Yazdan" clearly distinguishable.

Fred Yazdan, P.E.
RCE 35704

CITY OF COSTA MESA, BUILDING SAFETY DIVISION
POST IN CONSPICUOUS PLACE ON THE JOB
NOTICE

Schedule inspection one workday in advance. To schedule inspections, call (714) 754-5626. Provide the following information:
 1) Permit number, 2) Job address, 3) Inspection item number.

Building Address: 258 Santa Isabel Ave					Owner: Khoshnabi				
Building Permit #: B04-00503					Electrical Permit #: _____				
Contractor: owner					Job Description: New 3,345 sq ft SF D				
Mechanical Permit #: _____					Plumbing Permit #: _____				
NEW <input checked="" type="checkbox"/>	ADD <input type="checkbox"/>	ALTER <input type="checkbox"/>	REPAIR <input type="checkbox"/>	MOVING <input type="checkbox"/>	DENOLISH <input type="checkbox"/>	ISSUE DATE: 8/16/05			

PERMITS EXPIRE 180 DAYS (6 MONTHS) FROM ISSUANCE OR LAST INSPECTION

CONSTRUCTION APPROVALS							
Item #	STRUCTURAL	Date	Inspector	Item #	POOL & SPA	Date	Inspector
3	Job Site Consult			94	Pool & Equipment Location		
4	Footings/Ufer Ground	9-22-05	BN	95	Steel Reinforcement		
6	Slab loss garage	10-11-05	Call	100	Electrical Bonding		
8	Structural Floor Garage	10-13-05	Call	102	Rough Plumb & Pressure Test		
11	Pre-Inspect Roof			104	Approval to Cover - Gunitite		
12	Roof Sheathing	3-9-06	Call	106	Elec Conduit - Underground		
14	T-Bar Ceiling-Structural			108	Gas Pipe/Underground Test		
16	Shear Panel			110	Backwash Lines, P-Trap, Underground		
18	Frame & Flashing			112	Approval to Deck		
20	Lathing & Siding			113	Pool Plumbing System - Final		
22	Insulation			113	Pool Electrical - Final		
24	Drywall Nailing			122	Fencing/Access/Alarms Approval		
26	Plaster Brown Coat			124	Approval for Plastering		
30	Pre-Grout			125	Pool/Spa Systems - Final		
33	Disabled Access						
				FIRE DEPARTMENT APPROVAL			
				1610	Overhd Hydro/Overhd Rough		
				1612	Dry Chemical		
				1614	Dry Standpipe		
				1616	Final - Fixed System		
				FINAL INSPECTIONS (Must be completed prior to requesting occupancy.)			
				Call (714) 754-5626 for the following:		Date	Inspector
36	Ufer Ground			200	Final Re-Roof		
38	Elec Conduit - Underground			201	Final Block/Retaining Wall		
44	Rough Elec - Wiring			203	Final Sign		
46	Rough Elec. Conduit			204	Final Demolition		
48	Elec T-Bar Ceiling			206	Final Mechanical		
50	Elec Power Final			208	Final Plumbing		
51	Temp Power Final			210	Final Electrical		
				Call (714) 327-7400 for the following:		Date	Inspector
				212	Final Fire Prevention		
				Call (714) 754-5671 two (2) working days prior to final.		Date	Engineer
				216	Final Public Svs. Dept. Approval		
				Call (714) 754-5245 for the following:		Date	Inspector
				220	Final Planning Approval		
				Call (714) 754-5626 for the following:		Date	Inspector
				222	Final Site		
				250	Final Building/Occupancy		
				13			
NOTES: SEE REVERSE							

Schedule inspection one workday in advance. To schedule inspections, call (714) 754-5626. Provide the following information: 1) Permit number, 2) Job address, 3) Inspection item number.

PERMITS EXPIRE 180 DAYS (6 MONTHS) FROM ISSUANCE OR LAST INSPECTION

EFFECTED AREA.





CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92626-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**